

Application No. 10/663,979

Art Unit: 3714

REMARKS

This response is submitted in reply to the Non-Final Office Action mailed September 23, 2008, ("Office Action") in which the Examiner objects to Claims 29, 30, and 32. Claims 29 and 30 are currently amended. Claim 32 stands previously presented. No new matter has been added.

Claims Objections: Informalities

The Examiner objected to Claim 29 for improperly including the conjunctive phrase "and" at the end of limitation (e). Applicant has removed said phrase.

Claims Rejections: 35 US §102(e)

In the Office Action, the Examiner rejects Claims 29, 30 and 32 as being anticipated by Benett (US 6,585,264). Applicant respectfully submits that Benett does not teach the same methods as the Present Application and, therefore, provide no grounds for rejection.

Claim 29: Applicant has amended the language of Claim 29 to specify that the wildcard symbols expand in all "possible" directions instead of all "predetermined" directions. This change seeks to address the Examiner's concern that "all predetermined directions" may be reasonably interpreted to include the single direction selected from the plurality of possible directions by the game controller in Bennett.

With the amended language, the Present Application teaches a game in which wildcard symbols expand simultaneously in all of the possible directions assigned by the directional indicia displayed on said wildcard symbol. For example, a wildcard symbol with an "Up" arrow and a "Left" arrow would simultaneously expand upwards and leftwards.

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Bennett, however, does not contemplate simultaneous expansion of a wildcard symbol in all possible directions. Instead, Bennett teaches a game in which wildcard symbols only expand in one of a plurality of possible directions. As the Examiner states: “[F]or example, the ‘bishop’ wildcard symbol as discussed by Bennett has two possible paths with the display of Figure 3, the controller selects one of the paths before movement is to occur...” (Office Action, page 4, lines 4-6.)

Moreover, Bennett requires the selection of a single direction and teaches against the simultaneous expansion in all possible directions. As Bennett states, “[w]here a chess piece can move in a number of directions from its initial display position, the control means may make a determination as to the direction in which the chess piece is to move.” The determination may be a random determination.” (Bennett, column 2, lines 10-14; emphasis added. Also see selection of movement pattern for Knight and Rook symbols at column 4, lines 1-22.)

Finally, Applicant submits that it would not be obvious to combine Bennett with another application to simultaneously expand in all possible directions. Bennett repeatedly states that it is a primary object of the invention to provide movement patterns reflecting the rules of movement for pieces of a board game, such as chess, in which said pieces move in one of a plurality of possible directions. Any suggested expansion of Bennett under 35 US §103(a) to include simultaneous expansion in all possible directions would impermissibly contradict the express objectives of Bennett.

Thus, Applicant respectfully submits that the Present Application and Bennett disclose distinct methods of utilizing wildcard symbols.

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Claims 30 and 32. Applicant submits that Claims 30 and 32 rise or fall with Claim 29. Similar to Claim 29, the language of Claim 30 has been amended to replace the word "predetermined" with "possible" in relation to directions of wildcard expansion.

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Claims Rejections: 35 US §103(a)

In the Office Action, the Examiner rejects Claims 29, 30 and 32 as an obvious extension of O'Halloran (US 6,439, 993). Applicant respectfully submits that O'Halloran does not teach the same methods as the Present Application and, therefore, provides no grounds for rejection.

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Claim 29: O'Halloran teaches a game in which the appearance of a wildcard symbol on a payline changes one or more of the other symbols on the payline into additional wildcard symbols. For example, O'Halloran provides Figures 4a-f and 5a-z which depict a trigger wildcard symbol appearing on a payline and then additional wildcard symbols appearing on the same payline.

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Applicant submits that O'Halloran also does not contemplate simultaneous expansion of a wildcard symbol in all possible directions. Instead, Figures 4 and 5 illustrate the selection of one configuration out of a plurality of different possible wildcard symbol configurations using various positions of a single payline.

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Moreover, wildcard symbols appearing in O'Halloran do not have any possible or predetermined directions associated with the specific wildcard symbol. Instead, the location of wildcard symbols controls the directions in which the symbol may expand. For example, a wildcard symbol appearing on payline 1 expands in different directions than the same wildcard symbol appearing on payline 2.

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Applicant also submits that directional indicia distinguish the Present Application from O'Halloran. Inapposite of the Examiner's assertion that directional indicia are simply aesthetic design changes, Applicant argues that directional indicia provide players with critical information unavailable without said indicia. The knowledge of possible directions in which wildcard symbols expand serves to enhance player comfort, enjoyment, and excitement and reduce player frustration and confusion. For example, a player only understands why a wildcard symbol appearing in the bottom right-hand corner of a symbol matrix does not expand because of directional indicia showing arrows pointing downwards and rightwards.

Thus, Applicant respectfully submits that the Examiner errs in concluding that "[t]he function of the wildcard symbol is equivalent in O'Halloran and applicant's invention...." (Office Action, page 7, lines 3-4) as the Present Application and O'Halloran disclose distinct methods of utilizing wildcard symbols.

Claims 30 and 32. Applicant submits that Claims 30 and 32 rise or fall with Claim 29.

Additional Prior Art: Gauselmann

Applicant also seeks to distinguish the Present Application from Gauselmann (US 2002/0052233 A1). The Gauselmann invention discloses that "[u]pon the display of one of the specially marked symbols, certain other symbols in the matrix are changed to increase the player's chances of a winning symbol combination across a pay line." (Gauselmann, page 1, paragraph 0005.) More specifically, Gauselmann illustrates how a specially marked symbol changes adjacent symbols in Figure 2, symbols on the same horizontal payline in Figure 3, symbols on the same bent payline in Figures 4 and 5, and random symbols in the symbol matrix in Figure 6.

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Applicant respectfully submits that Gauselmann is a variation of O'Halloran in which the appearance of a symbol changes the appearance of adjacent symbols or symbols on the same horizontal or bent payline. Adjacency or payline paths are not directions inherent to a specific symbol, but instead depend upon the symbol's location in the symbol matrix. The appearance of a specially marked symbol on payline 1 allows that symbol to affect other symbols on that payline but prohibits changing symbols on other paylines; and the appearance of a specially marked symbol in the upper left-hand corner allows that symbol to change adjacent symbol positions but prohibits changing any other non-adjacent symbols in the symbol matrix.

Thus, Applicant respectfully submits that the Present Application and Gauselmann disclose distinct methods of utilizing wildcard symbols for the same reasons discussed in the O'Halloran section above.

Conclusion

In view of the foregoing remarks, Applicant respectfully submits that the present invention teaches novel methods of playing a slot machine game using expanding wildcard symbols and that prior art does not show or suggest the novel features recited in Claims 29, 30 and 32, as currently amended.

Applicant strongly emphasizes that anyone reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicant asserts that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable.

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Applicant has emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicant does not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicant is providing examples of why the claims described above are distinguishable over the cited prior art.

5 Applicant wishes to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicant reserves the right to pursue the original subject matter recited in the present application and claims in a continuation application.

10 Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicant's best attempt at providing one or more definitions of what the Applicant believes to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicant is seeking for this application. Therefore, no estoppel should be presumed, and Applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents.

15 For all the reasons advanced above, Applicant respectfully submits that the rejections have been overcome and should be withdrawn. And, for all the reasons advanced above, Applicant respectfully submits that the Application is in condition for allowance, and that such action is earnestly solicited.

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Respectfully submitted,


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